

REMARKS

Applicants' attorney respectfully requests that the records of the United States Patent and Trademark Office in connection with the above-identified application be changed to reflect the new attorney docket number of **035777-0105**.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-9 are requested to be cancelled. Claims 10-29 are being added. Support for claim amendments can be found throughout the Specification, for example in original claims, Figures 1 and 5-6 and related descriptions thereof. No new matter is added.

After amending the claims as set forth above, claims 10-29 are now pending in this application.

I. Claim Objections

Claims 4-9 are objected to under 37 C.F.R. 1.75 (c). Claims 4-9 are cancelled without prejudice. By way of this Reply, the claim objections are now moot.

II. Claim Rejections under 35 U.S.C § 112

Claims 2-3 are rejected under 35 U.S.C § 112. Claims 2-3 are cancelled without prejudice. By way of this Reply, the section 112 rejections are now moot.

III. Claim Rejections under 35 U.S.C § 102

Claims 1-3 are rejected under 35 U.S.C § 102(b) as being clearly anticipated by Frazier (U.S. 6,534,839). Claims 1-3 are cancelled without prejudice.

Thus, by way of this Reply, the section 102 rejections are now moot.

III. New claims

Claims 10-29 are added. Applicants respectfully submit that newly added claims 10-29 are patentable over prior art for at least the reasons that follow.

A. Claims 10-19 are patentable over prior art

Applicants appreciate the indication that claims 4-9 would be allowed if rewritten in independent form. The pair of hinges limitation from allowable claim 5 is added to new claim 10. Therefore, it is believed that claim 10 is in condition for allowance.

Independent claim 10 recites “A electromechanical transducer device including a first substrate; a second substrate mounted on the first substrate by at least one pair of solid state hinges... second elongated electrical conductor extending in a second direction located on a surface of the second substrate facing the first substrate...the at least one pair of solid state hinges are configured to permit a linear motion of the second substrate with respect to the first substrate in a direction perpendicular to the second direction.”

Frazier teaches a nanomechanical transistor switch comprising a mechanical cantilever (*see* Frazier, Abstract). However, the metal 3 of Frazier is a free-standing metal cantilever. If the metal cantilever 3 of Frazier is equated to the second elongated electrical conductor, and the substrate 2 of Frazier is equated to the first substrate, then Frazier *fails* to teach the second substrate, on which the second elongated conductor is located, as recited in claim 10. If the metal cantilever 3 of Frazier is equated to the second substrate, then Frazier would be silent regarding the second electrical elongated conductor. Thus, Frazier fails to

teach a combination of the second substrate with the second elongated electrical conductor, as recited in claim 10.

Additionally, if the combination of oxide layers 38 and 42 (*see* Frazier, Figure 2j) equates to a solid state hinge recited in claim 10 as suggested by the Office Action, then Frazier teaches only one solid state hinge allowing the metal cantilever 3 to bend downwards (*see* Frazier, Figures 1b and 3b), in contrast to at least a pair of solid state hinges configured to permit a linear motion of the second substrate with respect to the first substrate in a direction perpendicular to the second direction,” as recited in claim 10.

Thus, claim 10 is patentable over Frazier, because Frazier fails to teach at least the above limitations of claim 10.

Claims 11-19 depend from claim 10, and thus are patentable for at least the same reasons as claim 10.

B. Claims 20-29 are patentable over prior art

Independent claim 20 recites “... a second substrate ... a second plurality of elongated electrical conductors extending in a second direction located on a surface of the second substrate facing the first substrate...the first and second substrates are relatively located in such a way that each of the first plurality of elongated electrical conductors are located respective opposed to a corresponding conductor of the second plurality of elongated electrical conductors ...”

As explained above, Frazier teaches a nanomechanical transistor switch comprising a mechanical cantilever. However, Frazier teaches only one metal cantilever 3, and fails to teach a second plurality of elongated electrically conductors, as recited in claim 20.

Further, as explained above, Frazier fails to teach a second substrate, on which a second elongated electrical conductor is located, let alone a second substrate on which “a second plurality of elongated electrical conductors extending in a second direction located,” as recited in claim 20.

Frazier also fails to teach that “the first and second substrates are located relative to each other in such a way that each of the first plurality of elongated electrical conductors are located opposed to a corresponding conductor of the second plurality of elongated electrical conductors ...,” as recited in claim 20.

Thus, claim 20 is patentable over Frazier, because Frazier fails to teach at least the above limitations of claim 20.

Claims 21-29 depend from claim 20, and thus are patentable for at least the same reasons as claim 20.

IV. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If

any extensions of time are needed for timely acceptance of papers submitted herewith,
Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment
of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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